

REMARKS

Please find enclosed a signed Terminal Disclaimer to overcome the rejection based on a nonstatutory double patenting.

Claims 2, 4 and 6 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Weisman in view of either Wood or Tenuta.

Responsive to this, claim 4 is deleted and claim 1 is amended which is substantially the combination of original claims 1 and 4 so as to make the claimed invention more distinguishably patentable over the prior arts cited by the Examiner. The compressible member as defined in the amended claim 1 includes a hollow and enclosed interior in which air is received so that the compressible member performs as an air cushion when it is compressed.

It is noted that none of the cited references discloses a compressible member like the claimed compressible member. Weisman discloses a spring (4), Wood does not even mention any compressible or flexible item, and Tenuta discloses a spring (50), no hollow compressible member like the claimed compressible member is mentioned in either of the three cited references. Accordingly, the cited references cannot make the claimed box end wrench obvious.

It is clear that, obviousness cannot be established by combining teachings of the prior art references to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. There must be a teaching or a suggestion to support a combination of the teachings from a number of prior art


references in order to reject claimed subject matter in an application as being obvious to one of ordinary skill in the art at the time an invention was made. Applicant submits that the cited references lack any such suggestion or incentive to support the combination of the features as suggested by the Applicant.

The amended claim 1 has disclosed a structure whose construction and function are quite different from and patentably distinguishable over the cited prior arts. Therefore, it is believed that, the rejections under 35 U.S.C. 103 (a) should be removed, and the amended claim 1 should be allowable.

It is further submitted the amended claims 2, 3, 5 and 6 should be allowable as they are dependent upon the amended claim 1 which is believed to be allowable.

In view of the foregoing amendments and remarks, Applicant submits that the application is now in a condition for allowance and such action is respectfully requested.

Respectfully submitted,


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